

## SCHEDULES

### SCHEDULE 8

#### WORK: REASONABLE ADJUSTMENTS

#### PART 2

#### INTERESTED DISABLED PERSON

##### *Preliminary*

- 4 An interested disabled person is a disabled person who, in relation to a relevant matter, is of a description specified in the second column of the applicable table in this Part of this Schedule.

##### *Employers (see section 39)*

- 5 (1) This paragraph applies where A is an employer.

| <i>Relevant matter</i>                | <i>Description of disabled person</i>   |
|---------------------------------------|---|
| Deciding to whom to offer employment. | A person who is, or has notified A that the person may be, an applicant for the employment. |
| Employment by A.                      | An applicant for employment by A.<br>An employee of A's.                                    |

- (2) Where A is the employer of a disabled contract worker (B), A must comply with the first, second and third requirements on each occasion when B is supplied to a principal to do contract work.
- (3) In relation to the first requirement (as it applies for the purposes of sub-paragraph (2))—
- (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of all or most of the principals to whom B is or might be supplied,
  - (b) the reference to being put at a substantial disadvantage is a reference to being likely to be put at a substantial disadvantage that is the same or similar in the case of each of the principals referred to in paragraph (a), and
  - (c) the requirement imposed on A is a requirement to take such steps as it would be reasonable for A to have to take if the provision, criterion or practice were applied by or on behalf of A.
- (4) In relation to the second requirement (as it applies for the purposes of sub-paragraph (2))—

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- (a) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by each of the principals referred to in subparagraph (3)(a),
  - (b) the reference to being put at a substantial disadvantage is a reference to being likely to be put at a substantial disadvantage that is the same or similar in the case of each of those principals, and
  - (c) the requirement imposed on A is a requirement to take such steps as it would be reasonable for A to have to take if the premises were occupied by A.
- (5) In relation to the third requirement (as it applies for the purposes of subparagraph (2))—
- (a) the reference in section 20(5) to being put at a substantial disadvantage is a reference to being likely to be put at a substantial disadvantage that is the same or similar in the case of each of the principals referred to in subparagraph (3)(a), and
  - (b) the requirement imposed on A is a requirement to take such steps as it would be reasonable for A to have to take if A were the person to whom B was supplied.

*Principals in contract work (see section 41)*

- 6 (1) This paragraph applies where A is a principal.

| <i>Relevant matter</i>                   | <i>Description of disabled person</i>   |
|--|---|
| Contract work that A may make available. | A person who is, or has notified A that the person may be, an applicant to do the work. |
| Contract work that A makes available.    | A person who is supplied to do the work.  |

- (2) A is not required to do anything that a disabled person's employer is required to do by virtue of paragraph 5.

*Partnerships (see section 44)*

- 7 (1) This paragraph applies where A is a firm or a proposed firm.

| <i>Relevant matter</i>                             | <i>Description of disabled person</i>  |
|--|--|
| Deciding to whom to offer a position as a partner. | A person who is, or has notified A that the person may be, a candidate for the position. |
| A position as a partner.                           | A candidate for the position.<br>The partner who holds the position.                     |

- (2) Where a firm or proposed firm (A) is required by this Schedule to take a step in relation to an interested disabled person (B)—
- (a) the cost of taking the step is to be treated as an expense of A;
  - (b) the extent to which B should (if B is or becomes a partner) bear the cost is not to exceed such amount as is reasonable (having regard in particular to B's entitlement to share in A's profits).

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*LLPs (see section 45)*

8 (1) This paragraph applies where A is an LLP or a proposed LLP.

| <i>Relevant matter</i>                            | <i>Description of disabled person</i>  |
|---|--|
| Deciding to whom to offer a position as a member. | A person who is, or has notified A that the person may be, a candidate for the position. |
| A position as a member.                           | A candidate for the position.<br>The member who holds the position.                      |

- (2) Where an LLP or proposed LLP (A) is required by this Schedule to take a step in relation to an interested disabled person (B)—
- (a) the cost of taking the step is to be treated as an expense of A;
  - (b) the extent to which B should (if B is or becomes a member) bear the cost is not to exceed such amount as is reasonable (having regard in particular to B's entitlement to share in A's profits).

*Barristers and their clerks (see section 47)*

9 This paragraph applies where A is a barrister or barrister's clerk.

| <i>Relevant matter</i>                            | <i>Description of disabled person</i>   |
|---|---|
| Deciding to whom to offer a pupillage or tenancy. | A person who is, or has notified A that the person may be, an applicant for the pupillage or tenancy. |
| A pupillage or tenancy.                           | An applicant for the pupillage or tenancy.<br>The pupil or tenant.                                    |

*Advocates and their clerks (see section 48)*

10 This paragraph applies where A is an advocate or advocate's clerk.

| <i>Relevant matter</i>   | <i>Description of disabled person</i>  |
|--|--|
| Deciding who to offer to take as a devil or to whom to offer membership of a stable. | A person who applies, or has notified A that the person may apply, to be taken as a devil or to become a member of the stable. |
| The relationship with a devil or membership of a stable.                             | An applicant to be taken as a devil or to become a member of the stable.<br>The devil or member.                               |

*Persons making appointments to offices etc. (see sections 49 to 51)*

11 This paragraph applies where A is a person who has the power to make an appointment to a personal or public office.

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| <i>Relevant matter</i>                     | <i>Description of disabled person</i>  |
|--|--|
| Deciding to whom to offer the appointment. | A person who is, or has notified A that the person may be, seeking the appointment.<br><br>A person who is being considered for the appointment. |
| Appointment to the office.                 | A person who is seeking, or being considered for, appointment to the office.   |
| 12   | This paragraph applies where A is a relevant person in relation to a personal or public office.  |

| <i>Relevant matter</i>     | <i>Description of disabled person</i>  |
|----------------------------|--|
| Appointment to the office. | A person appointed to the office.  |
| 13                         | This paragraph applies where A is a person who has the power to make a recommendation for, or give approval to, an appointment to a public office. |

| <i>Relevant matter</i>  | <i>Description of disabled person</i>   |
|---|---|
| Deciding who to recommend or approve for appointment to the office. | A person who is, or has notified A that the person may be, seeking recommendation or approval for appointment to the office.<br><br>A person who is being considered for recommendation or approval for appointment to the office.  |
| An appointment to the office.                                       | A person who is seeking, or being considered for, appointment to the office in question.  |
| 14  | In relation to the second requirement in a case within paragraph 11, 12 or 13, the reference in paragraph 2(2)(b) to premises occupied by A is to be read as a reference to premises—<br><ul style="list-style-type: none"> <li>(a) under the control of A, and</li> <li>(b) at or from which the functions of the office concerned are performed.</li> </ul> |

*Qualifications bodies (see section 53)*

- 15 (1) This paragraph applies where A is a qualifications body.

| <i>Relevant matter</i>                                 | <i>Description of disabled person</i>  |
|--|--|
| Deciding upon whom to confer a relevant qualification. | A person who is, or has notified A that the person may be, an applicant for the conferment of the qualification. |
| Conferment by the body of a relevant qualification.    | An applicant for the conferment of the qualification.<br><br>A person who holds the qualification.               |

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- (2) A provision, criterion or practice does not include the application of a competence standard.

*Employment service-providers (see section 55)*

- 16 This paragraph applies where—
- (a) A is an employment service-provider, and
  - (b) the employment service which A provides is vocational training within the meaning given by section 56(6)(b).

| <i>Relevant matter</i>                            | <i>Description of disabled person</i>   |
|---|---|
| Deciding to whom to offer to provide the service. | A person who is, or has notified A that the person may be, an applicant for the provision of the service. |
| Provision by A of the service.                    | A person who applies to A for the provision of the service.<br>A person to whom A provides the service.   |

*Trade organisations (see section 57)*

- 17 This paragraph applies where A is a trade organisation.

| <i>Relevant matter</i>                                    | <i>Description of disabled person</i>   |
|---|---|
| Deciding to whom to offer membership of the organisation. | A person who is, or has notified A that the person may be, an applicant for membership. |
| Membership of the organisation.                           | An applicant for membership.<br>A member.   |

*Local authorities (see section 58)*

- 18 (1) This paragraph applies where A is a local authority.

| <i>Relevant matter</i>                        | <i>Description of disabled person</i> |
|---|---------------------------------------|
| A member's carrying-out of official business. | The member.                           |

- (2) Regulations may, for the purposes of a case within this paragraph, make provision—
- (a) as to circumstances in which a provision, criterion or practice is, or is not, to be taken to put a disabled person at the disadvantage referred to in the first requirement;
  - (b) as to circumstances in which a physical feature is, or is not, to be taken to put a disabled person at the disadvantage referred to in the second requirement;
  - (c) as to circumstances in which it is, or in which it is not, reasonable for a local authority to be required to take steps of a prescribed description;

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- (d) as to steps which it is always, or which it is never, reasonable for a local authority to take.

*Occupational pensions (see section 61)*

- 19 This paragraph applies where A is, in relation to an occupational pension scheme, a responsible person within the meaning of section 61.

| <i>Relevant matter</i>                                | <i>Description of disabled person</i>             |
|---|---|
| Carrying out A's functions in relation to the scheme. | A person who is or may be a member of the scheme. |